

16 4-4-00
16 Declaration
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Morrow et al.

Serial No.: 09/174,804

Filed: October 19, 1998

For: **SCOOPED LACROSSE HEAD**

Attorney Docket No.: WARR 0104 R

Group Art Unit 3711

Examiner: M. Chambers

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Box, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

3/23/00
Date of Deposit

John S. Artz
Reg. No. 36,431

John S. Artz
Signature

SECOND SUPPLEMENTAL DECLARATION OF PHILLIP NAUMBURG

I, Phillip Naumburg, hereby declare and state as follows:

1. I am one of the inventors of U.S. Patent No. 5,568,925 and am one of the Applicants of the present application for reissue.
2. Applicant believes the original patent to be partly inoperative or invalid by reason of the patentee claiming less than patentee had the right to claim in the patent.
3. At least one error exists in the claims of the original patent in that the patent claims less than Applicants had a right to claim. Specifically, Applicants were the first to develop a lacrosse head having a significant curvature in the sidewall or having a sidewall upper surface that does not lie substantially in a plane defined by the handle axis. Applicants' claims in '925 patent require that

the sidewall curve downward (away from the plane) and then curve back upward (toward the plane). This was not necessary and thus Applicants claimed less than they had a right to claim. Accordingly, the newly added claims only require that the sidewall curve away from the plane.

4. All errors, which are being corrected in the present reissue application up to the time of filing of the original declaration, supplemental declaration and second supplemental declaration, arose without any deceptive intention on the part of the Applicant.

5. Applicant has reviewed and understands the contents of the specification, including the claims, as amended in the manner set forth above.

6. Applicant believes that the named inventors are the original and first inventors of the subject matter which is claimed and for which a patent is sought.

7. Applicant acknowledges the duty to disclose to the Patent Office all information known to it to be material to the patentability of the present application as defined in 37 C.F.R. 1.56.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant


PHILLIP NAUMBURG